

### **REMARKS/ARGUMENTS**

The Office Action of June 13, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-23 are pending in this application. Claims 1-23 stand rejected. No new matter has been introduced into the application. As explained in more detail below, Applicant submits that all claims are in condition for allowance and respectfully requests withdrawal of the rejections.

#### **Interview Summary**

This Interview Summary is filed further to the Examiner's Interview conducted on July 17, 2006 and the Examiner's Summary mailed May 5, 2006.

The patent owners' representatives wish to thank Examiner Le for the telephone interview on July 17, 2006, during which the pending Office Action was discussed. Specifically, the issue of the negative limitation "wherein the content is not provided from the integrated circuit cards" as presented in claims 1 and 19 was discussed. The Examiner agreed to withdraw the rejection if we amended the limitation to read "wherein the content is provided from a database external from the integrated circuit cards." Through this Amendment and Response, the claims have been amended.

Second, we discussed independent claims 1 and 19 in regards to the obviousness rejection. Specifically, we discussed the '640 patent which requires users to browse, search, and/or surf to locate media. The Examiner indicated that he believes our claims as recited do not specifically exclude the use of a browser and therefore are not distinguishable from the prior art. He further suggested that if we amended the claim to have a negative limitation that specifically excluded the use of a browser, he would issue another 112 rejection based upon the negative limitation. The patent owners' representatives appreciate the time Examiner Le spent discussing the Office Action.

#### **Claim Rejections – 35 USC § 112**

Claims 1-23 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Office Action again asserts the phrase "the content is not provided from the integrated circuit cards" is not disclosed in the specification originally filed on 11/30/2000. The Applicants respectfully request reconsideration in view of the Remarks below.

As discussed in relation to the Interview Summary, claims 1 and 19 have been amended to more clearly indicate that "~~the content is not provided from~~ is provided from a database external from the integrated circuit cards". Therefore, in view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Claim Rejections – 35 USC § 103**

Claims 1-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramachandran et al. (U.S. Pat. No. 6,457,640), hereinafter referred to as the '640 patent in view of Handelman et al. (U.S. Pat. No. 6,298,441), hereinafter, referred to as the '441 patent. The Applicants respectfully traverse the rejection in view of the Remarks below.

First, the '640 patent requires users to browse, search, and/or surf to locate media. As indicated during the Examiner Interview, the Examiner believes the select claims as recited did not specifically exclude the use of a browser and therefore are not distinguishable from the prior art. With respect to claim 19 and its dependent claims, Applicants respectfully disagree. Specifically, Applicants believe the claim limitation as presented in claim 19 affirmatively excludes the use of a browser or any user-initiated browsing since step (e) specifically states "in response to step (d) [receiving the first integrated circuit card and the second integrated circuit card] when the first and second authorization is determined to be compatible, providing the at least one multimedia file to an output device". (Emphasis added)

Thus, according to the recited claim language, even when read as broad as possible, explicitly states the providing of the at least one multimedia file. There is no recitation of any browser or other language to infer that the multimedia file(s) are not provided "in response to" receiving the first integrated circuit card and second integration circuit card. There is further

support for such an embodiment in the Specification, “[t]here is no need for browser software in the terminal for downloading purposes. So instead of surfing on the spot, the only active operation the user has to do is to insert a card, or information relating to the card, in the terminal.” (Specification, page 6, lines 11 – 13; emphasis added). In fact, perhaps in one exemplary situation, the user may select one or more multimedia files at a remote location and/or through another source, as there is no requirement in the claims that

In specific regards to claim 1 and its dependent claims, the ATM of the ‘640 patent can at most can be considered to have a first integrated circuit with at most a first authorization information. Thus, neither the ‘441 patent nor the ‘640 patent suggest a control unit that compares a first authorization information with a second authorization information, that upon being compatible, actuates an output device to provide content of at least one multimedia file selected by the input device.

While the ‘441 patent may be interpreted as having a first and a second integrated circuit card, there is no actuation of the output device as recited in the rejected claims. Indeed, the first integrated circuit card appears to provide information relating to the service provider whereas the second integrated circuit card relates to parental control over several possible channels that may be viewed upon being manually selected. For example, when the second card is engaged, all the channels that are provided by the service provider are available for viewing, whereas without the card engaged, only a subset, (those approved by the parental controls) are available for viewing. As explicitly provided in the Specification cited by the Office Action, “[i]f the main card is removed from card receptacle 24 none of the transmitted programs [are] decrypted. However, if the parent card is removed from card receptacle 26 only programs which are restricted for viewing under parental control are not decrypted.” (The ‘441 patent; Col. 8, lines 5-9). Thus, an end user must still browse the channels (similar to the browsing as discussed in the ‘640 patent) to receive channels. Merely applying the dual card functionality of the ‘441 patent with the control unit of the ‘640 patent as recited in the rejection does not teach, disclose, or suggest the subject matter of the rejected claims.

In view of the foregoing, the Applicants respectfully disagree that the previous arguments in regards to this rejection merely attacked the references individually. Rather, even when

considering each reference together, neither teach, disclose, nor even suggest the subject matter of the rejected claims. Therefore, for at least those reasons discussed above and in previous Responses, the Applicants respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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